

By: Schofield

H.B. No. 69

A BILL TO BE ENTITLED

AN ACT

relating to the extraterritorial jurisdiction of and municipal annexation by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.021, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) This subsection applies only to a municipality with a population of 1.8 million or more. For the purpose of determining the extraterritorial jurisdiction of a municipality to which this subsection applies, only the territory of the municipality within the defined boundaries of the municipality that is receiving full municipal police and fire protection services is considered to be within the corporate boundaries of the municipality. The extraterritorial jurisdiction of the municipality is the unincorporated area that is located within five miles of the corporate boundaries of the municipality as determined under this subsection, provided that the unincorporated area is contiguous to the defined boundaries of the municipality and not within the extraterritorial jurisdiction of another municipality.

SECTION 2. Section 42.022, Local Government Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not apply to a municipality with a population of 1.8 million or more.

SECTION 3. Section 42.023, Local Government Code, is

1 amended to read as follows:

2 Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION.

3 The extraterritorial jurisdiction of a municipality may not be
4 reduced unless the governing body of the municipality gives its
5 written consent by ordinance or resolution, except:

6 (1) in cases of judicial apportionment of overlapping
7 extraterritorial jurisdictions under Section 42.901;

8 (2) in accordance with an agreement under Section
9 42.022(d); ~~or~~

10 (3) as necessary to comply with Section 42.0235; or

11 (4) as provided by Section 42.021(e) or 43.038.

12 SECTION 4. Section 42.041, Local Government Code, is
13 amended by adding Subsection (f) to read as follows:

14 (f) This section does not apply to an existing municipality
15 with a population of 1.8 million or more.

16 SECTION 5. Section 42.902, Local Government Code, is
17 amended to read as follows:

18 Sec. 42.902. RESTRICTION AGAINST IMPOSING TAX IN
19 EXTRATERRITORIAL JURISDICTION. (a) The inclusion of an area in the
20 extraterritorial jurisdiction of a municipality does not by itself
21 authorize the municipality to impose a tax in the area.

22 (b) A municipality with a population of 1.8 million or more
23 may not impose a tax in the extraterritorial jurisdiction of the
24 municipality unless:

25 (1) the municipality is otherwise authorized by law to
26 impose the tax in the extraterritorial jurisdiction; and

27 (2) the municipality provides police and fire

1 protection within the extraterritorial jurisdiction.

2 SECTION 6. This Act takes effect December 1, 2017.